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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT KIRBY WELLS,  
  
Defendant.

CASE NO. 2:21-CR-164 WBS

STIPULATION REGARDING CONTINUANCE  
AND EXCLUDABLE TIME UNDER SPEEDY  
TRIAL ACT; FINDINGS AND ORDER

DATE: September 27, 2021  
TIME: 9:00 a.m.  
COURT: Hon. William B. Shubb

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. On September 2, 2021, the Grand Jury returned an indictment charging Wells with ten counts of wire fraud, in violation of 18 U.S.C. § 1343, and three counts of aggravated identity theft, in violation of 18 U.S.C. § 1028A.

2. On September 9, 2021, Wells made his initial appearance and was arraigned before United States Magistrate Judge Allison Claire. Judge Claire set a status conference before this Court for September 27, 2021. And Judge Claire excluded time under the Speedy Trial Act through September 27, 2021, pursuant to 18 U.S.C. 3161(h)(7)(A), (B)(iv) (Local Code T4).

3. By this stipulation, the parties jointly request that this Court continue the status conference to October 18, 2021, at 9:00 a.m. The parties also jointly request that this Court exclude time under the Speedy Trial Act from September 27, 2021, through October 18, 2021, pursuant to 18 U.S.C.

§ 3161(h)(7)(A), (B)(iv) (Local Code T4).

4. The parties agree and stipulate, and request the Court find, the following:

a) Wells' current counsel has represented that Wells is in the process of obtaining new counsel and needs additional time to do so.

b) The government has represented that the discovery associated with this case includes, among other things, investigative reports, financial records, and other business records totaling thousands of pages, as well as the contents of two email accounts. Once Wells obtains new counsel, the government will produce the discovery directly to counsel and/or make it available for inspection and copying.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny Wells reasonable time to obtain counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the best interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

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f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 27, 2021, through October 18, 2021, is deemed excludable under 18 U.S.C. § 3161(h)(7)(A), B(iv) (Local Code T4), because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: September 22, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ MATTHEW THUESEN  
MATTHEW THUESEN  
Assistant United States Attorney


Dated: September 22, 2021

/s/ CHRISTOPHER COSCA  
CHRISTOPHER COSCA  
Counsel for Defendant  
Robert Kirby Wells

### FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: September 23, 2021

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE